

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-10 EUR-12 EA-09 NEA-10 IO-13 ISO-00 AGR-10

CEA-01 CIAE-00 COME-00 DODE-00 FRB-01 H-02 INR-07

L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15

STR-04 ITC-01 TRSE-00 USIA-15 PRS-01 SP-02 OMB-01

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DRAFTED BY EB/OT/STA:JSPIRO:EB/OT:WGBARRACLOUGH:LPP

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STR:AMB. YEUTTER

TREASURY:DMACDONALD

COMMERCE:FABBUHL

NSC:RHORMATS

AGRICULTURE:RBELL

S/S- MR. BRIDGES

----- 044913

P R 302032Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY DUBLIN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY COPENHAGEN PRIORITY

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AMEMBASSY SANTIAGO PRIORITY

AMEMBASSY SOFIA PRIORITY

AMEMBASSY BUCHAREST PRIORITY

AMEMBASSY BUDAPEST PRIORITY

AMEMBASSY LISBON PRIORITY

AMEMBASSY TEL AVIV PRIORITY

AMEMBASSY BELGRADE PRIORITY

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AMEMBASSY MOSCOW PRIORITY

AMEMBASSY MADRID PRIORITY
AMEMBASSY OTTAWA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY VIENNA PRIORITY
AMEMBASSY ATHENS PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY BRASILIA PRIORITY
AMEMBASSY BERN PRIORITY
AMEMBASSY TOKYO PRIORITY
INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, EC

SUBJECT: TREASURY PROPOSED RULEMAKING ON THE CERTIFICATION
OF WINE IMPORTS

1. THE FEDERAL REGISTER, ON AUGUST 30, WILL CONTAIN A NOTICE OF PROPOSED RULEMAKING ON CERTIFICATES OF ORIGIN, IDENTITY, AND ANALYSIS FOR IMPORTED WINE, IN LOTS OF MORE THAN FIVE CASES, INTENDED FOR CONSUMPTION IN THE UNITED STATES. THE DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF), WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY, HAS, FOR SOME TIME, BEEN CONSIDERING RULEMAKING TO REQUIRE, AS A CONDITION FOR RELEASE OF IMPORTED WINE FROM CUSTOMS CUSTODY, A FULL AND ACCURATE CERTIFICATE OF ORIGIN, IDENTITY AND ANALYSIS. AT THE OPTION OF THE PRODUCER, IN LIEU OF THE FILING OF A CERTIFICATE AS STATED ABOVE, ATF MAY BE INVITED TO INSPECT THE PRODUCERS' RECORDS AND OPERATION FOR COMPLIANCE. THE PROPOSED RULEMAKING WOULD BE BASED ON 27 CFR PART 4 OF THE REGULATIONS ON LABELING AND ADVERTISING OF WINE.

2. THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS IS RESPONSIBLE UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT TO PREVENT CONSUMER DECEPTION, PARTICULARLY AS TO ORIGIN AND UNCLASSIFIED

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CONTENT. WHEREAS THE ATF INSPECTS DOMESTIC WINE PRODUCERS' FACILITIES, BOOKS AND RECORDS, THE CURRENT REGULATIONS REQUIRE FOREIGN CERTIFICATES OF ORIGIN AND IDENTITY ISSUED BY A DULY AUTHORIZED OFFICIAL OF THE APPROPRIATE FOREIGN GOVERNMENT ONLY IF ISSUANCE OF SUCH CERTIFICATES HAS BEEN AUTHORIZED BY THAT GOVERNMENT. THE PROPOSED AMENDED CERTIFICATE WOULD APPLY TO FOREIGN

PRODUCERS REGARDLESS OF WHETHER THEIR GOVERNMENTS HAD, IN THE PAST, AUTHORIZED SUCH CERTIFICATES. THE CERTIFICATE WOULD NOT BE REQUIRED IF ATF INSPECTION OF THEIR FACILITIES, BOOKS AND RECORDS WAS AUTHORIZED BY THE WINE PRODUCER.

3. AMONG OTHER THINGS, THE PROPOSED CERTIFICATE OF ORIGIN, IDENTITY AND ANALYSIS WOULD REQUIRE THAT: (A) WINE LABELED WITH A GRAPE TYPE DESIGNATION WAS PRODUCED FROM AT LEAST 51 PERCENT OF THE PARTICULAR VARIETY OF GRAPE INDICATED BY SUCH DESIGNATION, AND THE PREDOMINANT TASTE, AROMA, AND OTHER CHARACTERISTICS WERE DERIVED FROM SUCH GRAPES; (B) IN THE CASE OF NONVINTAGE WINE LABELED WITH AN APPELLATION OF ORIGIN, THAT SUCH WINE WAS PRODUCED FROM GRAPES AT LEAST 75 PERCENT OF WHICH WERE GROWN IN THE APPELLATION AREA; AND (C) IN THE CASE OF VINTAGE WINE LABELED WITH A VITICULTURAL AREA, THAT SUCH WINE WAS PRODUCED FROM GRAPES AT LEAST 95 PERCENT OF WHICH WERE GROWN IN THAT VITICULTURAL AREA DURING THAT VINTAGE YEAR. IT WOULD ALSO REQUIRE THAT THE WINE HAS NOT BEEN PRODUCED BY ENOLOGICAL PRACTICES WHICH ARE PROHIBITED BY U.S. REGULATIONS. HOWEVER, UPON A PETITION OF THE APPROPRIATE FOREIGN GOVERNMENT, A WAIVER MAY BE GIVEN BY THE ATF TO ALLOW THE USE OF ENOLOGICAL PRACTICES PROHIBITED IN THE U.S. PROVIDED THAT SUCH PRACTICES ARE TRADITIONALLY USED IN THAT COUNTRY AND PRESENT NO HEALTH IMPLICATIONS.

4. THE CERTIFICATE WOULD LIST ALL FLAVORS (INCLUDING NATURE-IDENTICAL FLAVORS), COLORS, AND PROCESSING AIDS USED IN THE PRODUCTION OF WINE, AND, WHERE CONSIDERED NECESSARY TO ENFORCE THE PROVISIONS OF THE F.A.A. ACT, WOULD PROVIDE INFORMATION AS TO THE ANALYSIS OF THE FOLLOWING CONTENTS: (1) RESIDUAL SUGAR; (2) ALCOHOL CONTENTS; (3) TOTAL SOLIDS; (4) TOTAL CARBON DIOXIDE; UNCLASSIFIED

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(5) VOLATILE ACID; (6) TOTAL SULPHUR DIOXIDE; (7) EXTRACT; (8) FIXED ACID.

5. PERSONS WHO WISH TO PARTICIPATE IN THE RULEMAKING PROCESS ARE INVITED TO SUBMIT WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED REGULATORY CHANGE IN DUPLICATE TO THE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND

FIREARMS, WASHINGTON, D.C. 20226 (ATTN: CHIEF REGULATIONS AND PROCEDURES DIVISION) BY OCTOBER 29, 1976. ANY INTERESTED PERSON SUBMITTING COMMENTS OR SUGGESTIONS WHO DESIRES AN OPPORTUNITY TO COMMENT ORALLY AT A PUBLIC HEARING ON THESE PROPOSED REGULATIONS SHOULD SUBMIT HIS/HER REQUEST, IN WRITING, TO THE DIRECTOR BY OCTOBER 29, 1976.

6. INTERESTED WASHINGTON AGENCIES HAVE AGREED ON THE FOLLOWING PRESS GUIDANCE FOR RESPONDING TO QUESTIONS ON THE PROPOSED ATF RULEMAKING. BEGIN TEXT:

THE TREASURY DEPARTMENT'S BUREAU OF ALCOHOL, TOBACCO AND FIREARMS PUBLISHED IN THE FEDERAL REGISTER OF AUGUST 30 A NOTICE OF PROPOSED RULEMAKING REGARDING THE CERTIFICATION OF ORIGIN, IDENTITY AND ANALYSIS OF IMPORTED WINE. THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF) HAS FOR SOME TIME BEEN CONSIDERING THE PROPOSED RULEMAKING AS PART OF ITS CONTINUING EFFORTS TO ENSURE PROTECTION FOR THE CONSUMER AGAINST MISLABELING OF IMPORTED WINE, PARTICULARLY AS TO ORIGIN AND CONTENTS. THE PROPOSED REQUIREMENTS ARE NO DIFFERENT THAN THOSE WHICH CURRENTLY MUST BE MET BY DOMESTIC PRODUCERS OF WINE.

THE PURPOSE OF THE FEDERAL REGISTER NOTICE IS TO ELICIT COMMENTS AND INFORMATION ON THE PROPOSED RULEMAKING. INTERESTED PARTIES HAVE SIXTY DAYS (UNTIL OCTOBER 29) IN WHICH TO COMMENT. ONLY AFTER EVALUATING THE COMMENTS, SUGGESTIONS, AND INFORMATION IT RECEIVES--INCLUDING THE HOLDING OF PUBLIC HEARINGS IF REQUESTED--WILL THE TREASURY DEPARTMENT DECIDE ON THE ADVISABILITY OF PROCEEDING WITH THESE OR MODIFIED PROPOSED AMENDMENTS TO ITS EXISTING REGULATIONS.
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THE PROPOSED CHANGES ARE ESSENTIALLY DESIGNED TO PROVIDE BETTER INFORMATION TO THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS TO PERMIT IT TO CARRY OUT ITS RESPONSIBILITIES FOR ENSURING THAT WINE--EITHER PRODUCED IN THE UNITED STATES OR IMPORTED--MEETS STANDARDS AS TO ITS ORIGIN AND CONTENT, WHICH PROTECT THE HEALTH OF U.S. CONSUMERS AND AVOID POSSIBLE DECEPTION. THE BUREAU CURRENTLY INSPECTS DOMESTIC WINE PRODUCERS' FACILITIES, BOOKS AND RECORDS TO ENSURE COMPLIANCE WITH ITS CURRENT REGULATIONS. SINCE SIMILAR PROCEDURES ARE NOT AS EASILY CARRIED OUT FOR

PRODUCERS LOCATED ABROAD, THE REGULATIONS PROVIDE FOR A CERTIFICATION PROCEDURE TO APPLY TO IMPORTS. SUCH CERTIFICATIONS ARE COMMON IN INTERNATIONAL TRADE. IN LIEU OF CERTIFICATION A FOREIGN WINE PRODUCER MAY PROVIDE WITH EACH SHIPMENT A STATEMENT AUTHORIZING ATF OFFICERS THE RIGHT OF INSPECTION OF HIS PRODUCTION FACILITIES OR MAY PROVIDE ATF WITH A CONTINUING STATEMENT AUTHORIZING VISITS TO THE PRODUCTION FACILITIES.

7. FYI. IT IS LIKELY THAT SOME FOREIGN GOVERNMENTS WILL

BE CONCERNED THAT THE PROPOSED REGULATIONS MIGHT BE A NON-TARIFF BARRIER TO TRADE. SHOULD THIS POSITION BE TAKEN, POSTS SHOULD ASSURE THEM THAT THIS IS NOT OUR INTENTION. WE WILL MAKE EVERY EFFORT TO ENSURE THAT IF REGULATIONS ARE ESTABLISHED IN THIS OR MODIFIED FORM THEY WILL NOT BE--NOR ADMINISTERED BY TREASURY SO AS TO BE--AN NTB. END FYI.

8. TEXT OF FEDERAL REGISTER NOTICE FOLLOWS SEPTEL. KISSINGER

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Message Attributes

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